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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,004	11/28/2001	Hiroshi Yamada	FUJI 19.210	6947

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EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,004

Applicant(s)

YAMADA, HIROSHI

Examiner

Robert B. Harrell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/28/01 et al.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/28/2001</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

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1. Claims 1-11 are presented for examination.
2. PTO FORM 1449 has been considered with respect to English versions of the provided Prior Art.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.
5. Figure(s) that are prior art must have added to the figure(s) the label "PRIOR ART" (e.g., see pages 1-3 of this application with respect to figures 1-3 and other figure(s)). ALSO, each figure must be mentioned in the Brief Description Of The Drawings individually (e.g., as an example, page 9 for figure 9 should be "FIG. 9A and 9B are" and not that which is currently written on page 9 of the specification and thus the specification and drawings are so objected.
6. There is no heading "Summary Of The Invention"; one must be added, or changed, on page 3 as this is not the beginning of the Disclosure Of The Invention.
7. This application's Oath or Declaration claims benefit to PCT/JP99/04075 (filed 29 July 1999) under Title 35 U.S.C. 120 and/or Title 35 U.S.C. 365(c); which incorporated Title 35 U.S.C. 363. However, it is noted that the applicant of that PCT, and this application, is not a United States Citizen, nor resides within the United States, and the PCT was not filed in the English language in Japan, nor is there any indication of record showing PCT/JP99/04075 designated the United States therein the PCT as no English translated copy of the PCT has been provided as required 37 C.F.R. 1.495 (30 months is established in Article 22 (1) of the Patent Cooperation Treaty). The applicant is reminded of the duty to disclose any information with respect to PCT/JP99/04075 in connection with all sections of 35 U.S.C. 102 in view of 37 C.F.R. 1.495(h) since the application record fails to show any copy of PCT/JP99/04075 filed within the required 30 month period.
8. In view of the above, the applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
9. The following is a quotation of the second paragraph of 35 U.S.C 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-11 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear since "the connection" (claim 1 (lines 7, 11,12) and in claims 8 and 9 along with corresponding dependent claims) is but an example of numerous cases where clear antecedent bases are lacking and not an exhausting recital. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent bases also is indefinite for the reasons outlined in this paragraph. Also, these are but a few examples where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introduction of a term, or changes in tense, results in a lack of clear antecedent bases for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent bases are lacking can be viewed as non-responsive.

11. Claims 1-11 also stand rejected under 35 U.S.C. 112, second paragraph, since phrases such as "another switching unit" fails to establish at least a prior, if there is one, switching unit. Thus the true number of switching units cannot be clearly ascertained in the claims.

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

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13. Claims 1-11 are rejected under 35 U.S.C. 102 (a) as being anticipated by Bosloy et al. (CA 2,255,383).

14. Claims 1-11 are rejected under 35 U.S.C. 102 (b) as being anticipated by Bosloy et al. (CA 2,255,383).

15. Claims 1-11 are rejected under 35 U.S.C. 102 (e) as being anticipated by Burns et al. (6,665,295 B1).

16. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the references are cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

17. Per the rejections under 35 U.S.C. 102, examiner will make reference citations to the 6,665,295 Patent as CA 2,255,383 maps correspondingly thereto accordingly and thus such citation in the Patent also makes reference to the corresponding text in CA 2,255,383 and thus the two are addressed below with reference to 6,665,295.

18. Per claim 1, Burns (and thus CA 2,255,383) taught a connection data change device (e.g., see figure 1) comprising a connection data management part managing connection data for connection with another switching unit, and a change operation part changing the connection data so that the connection with the other switching unit is changed to a fixed connection type (e.g., see col. 1 (lines 15-51 with respect to permanent connection) or a variable connection type (e.g., see col. 1 (line 52-et seq. with respect to variable connection type), wherein the change operation part changes the connection to the other switching unit to the variable connection type when the connection is made, and to the fixed connection type after the connection is completed (e.g., see col. 3 (line 15-et seq.) and col. 9 (line 23-et seq.)).

19. Per claims 2, 3, 4, 5, 6, and 7 see figures 3-5 and figure 8 along with corresponding text in col. 5 (line 40- et seq.), col. 6 (line 1-et seq.), and col. 7 (line 38-et seq.).

20. Per claims 8, 9, 10, and 11, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.


21. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (571) 272-3896. The fax phone number for all papers is (703) 872-9306.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142